

MEMORANDUM

ED&HS

AGENDA ITEM NO. 2 (B)

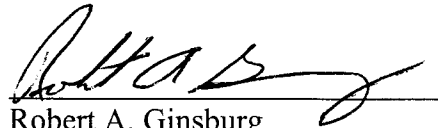
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 10, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to Clean
Indoor Air Act

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.


Robert A. Ginsburg
County Attorney

RAG/jls




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: April 13, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
4-13-04

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
AMEND THE CLEAN INDOOR AIR ACT BY CHANGING
THE DEFINITION OF STAND-ALONE BARS TO INCLUDE
ESTABLISHMENTS WHERE UP TO 25% OF GROSS
REVENUES ARE DERIVED FROM THE SALE OF FOOD,
AND BY ADDING AN EXEMPTION FOR PERMITTED
OUTDOOR CAFES

WHEREAS, the Florida Legislature has defined, in section 386.203(11), Florida Statutes, a “stand-alone bar” as an establishment where the percentage of food sold cannot constitute more than 10 percent (10%) of the establishment’s gross revenues; and

WHEREAS, this percentage limitation has resulted in an inordinate number of establishments being prohibited from allowing patrons to smoke; and

WHEREAS, this limitation has resulted in the loss of business revenue, which in turn causes the loss of sales tax revenue for state and local governments, the loss of tourist resort tax revenue, and the loss of jobs throughout the state; and

WHEREAS, by including outdoor cafes in the scope of the Act, more revenue and jobs are lost although the purpose of the Act is to prohibit “indoor” smoking,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Florida Legislature is urged to amend the definition of stand-alone bars in section 386.203(11), Florida Statutes, to increase from 10 percent (10%) to twenty-five percent (25%) the amount of gross revenue that such establishments may receive from the sale of food.

Section 2. The Florida Legislature is urged to exempt from the scope of the Act any legally permitted outdoor café area that is not “enclosed” as that term is defined in section 386.203(5), Florida Statutes, regarding an enclosed indoor workplace.

Section 3. True copies of this Resolution shall be sent to the Florida Legislature.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorrian D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ST / RAG

Susan Torres